

Amendment  
Serial No. 10/754,029

Docket 5000-1-497

### **REMARKS**

Reconsideration of all grounds of rejection in the Office Action and allowance of all of the pending claims are respectfully requested in view of the above amendments and the following remarks.

Claims 10-21 are now pending herein. Claims 10, 13 and 16 are independent claims. Claims 1-9 were previously canceled without prejudice or disclaimer. Claims 19-21 have been added, each of which respectively depends from one of claims 10, 13 and 16, and recites that the reflector comprises a **wavelength-independent double-sided reflector having a transmissivity varying in accordance with a control signal applied thereto**. Support is found in the specification at least at page 10, lines 6-9.

Claims 10-18 stand rejected under 35 USC § 103(a) as allegedly being obvious over Marom (US 6,950,609) in view of Chae *et al.* (US Pat. Appln. Pub. 2005/0068649) ("Chae"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

Claims 10, 13 and 16 have been amended to clarify that the reflector comprises **a wavelength-independent reflector**; support for this change is provided by the specification at least at page 10, lines 3-5. Claim 16 has been additionally amended to recite that the wavelength-independent reflector passes or reflects a channel input thereto **without controlling ambient temperature or tension**. Support is found at least at page 5, lines 5-8, which discusses the problems of Fiber Bragg Gratings in the art.

None of the present claims would have been obvious to a person of ordinary skill in the art over a combination of Marom and Chae. With regard to the combination of references, it is admitted in the Office Action at page 3, lines 3-7 that Marmon fails to

Amendment  
Serial No. 10/754,029

Docket 5000-1-497

disclose, *inter alia*, a reflector connected between two ports of the circulator, and that Chae discloses a Fiber Bragg Grating (FBG) 224 (shown in FIG. 3). A FBG grating is not wavelength independent.

For example, one of the known problems in the art is that in a conventional ADM, as well as the combined teachings of Marom and Chae, the control of each FBG is performed by controlling ambient temperature or tension to be applied (specification at page 5, lines 5-8). One of the problems with such ADMs is that the time required for such control is relatively long, making it difficult to achieve a high-speed switching operation.

In contrast, present claims 10, 13 and 16 recite a wavelength-independent reflector having a transmissivity varying in accordance with a control signal applied thereto. Claim 16 further recites the reflector is adapted to pass or reflect a channel input thereto without controlling ambient temperature or tension.

Applicant respectfully submits that a person of ordinary skill in the art would not have found any the present claims obvious at the time of invention in view of the combination of Marom and Chae. Nor would the combination of elements as recited in the claims have been obvious to a person of ordinary skill in the art at the time of invention as being within the knowledge in the art (*KSR International v. Teleflex*, 127 S.Ct. 1727, 82 USPQ2d 1385 (2007)).

For at least the above reasons, Applicant respectfully submits that all grounds of rejection under 35 U.S.C. §103(a) of independent claims 10, 13 and 16 are overcome.

With regard to the other claims in this application that are each dependent from the one of independent claims 10, 13 and 16 discussed above, each of these dependent claims are therefore believed patentable at least for their dependence from a claim

Amendment  
Serial No. 10/754,029

Docket 5000-1-497

believed to be allowable and because of a separate basis of patentability. For example, claims 19-21 each recite that the wavelength-independent reflector comprises a double-sided reflector having a transmissivity varying in accordance with a control signal applied thereto, which is not disclosed or suggested by the combination of references and the elements as combined in these claims would not have been within the ordinary level of skill in the art. Similarly, claims 22-24 recite additional aspect of the invention, and no new matter has been added. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each claim on its own merits is respectfully requested.

Reconsideration and withdrawal of all grounds of rejection under 35 U.S.C. §103(a) are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all grounds of rejection are overcome, and all of the pending claims are patentable. A Notice of Allowance is respectfully requested.

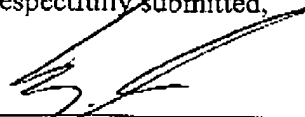
While no fees are believed due at this time, please credit any overage or charge any deficiency to deposit account 502-470.

Amendment  
Serial No. 10/754,029

Docket 5000-1-497

Should the Examiner deem that there are any issues, which may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,



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